

### **Remarks and Arguments**

Applicant has carefully considered the Office Action dated December 30, 2003 and the references cited therein. Applicant respectfully requests reexamination and reconsideration of the application.

In response to the rejection of claim 16, under 35 USC Section 112, second paragraph, Claim 16 has been amended to now depend from claim 15.

Claims 8, 14, and 19, have been canceled, without prejudice. The amendments to the claims as set forth herein, including the addition or cancellation of any claims, have been offered to advance this application to issue. None of the amendments made herein should be construed as an admission that the subject matter of the claims, as originally filed, is anticipated by or made obvious in light of any art of record whether considered singularly or in combinations. Applicant expressly reserves the right to pursue the originally filed claims in another co-pending application without being prejudiced by any amendments, including cancellation of claims, made herein.

Claims 2-4, 9-10, 15-16 stand rejected under 35 USC Section 103(a) as being unpatentable over Liu and United States Patent 4, 839,640, Ozer et al., hereafter referred to Ozer. In setting forth the rejections, the Examiner has expressly admitted that Liu does not teach a directional command identifying a relative direction of a position of the second displayed data item to a position of the first displayed data item. Instead, the Examiner is relying on Ozer alleging that the entering of a directional command through the user interface is well-known in the art and that Ozer teaches an access control system which comprises the use of arrow (directional) keys to enter commands. Examiner further alleges that it would have been obvious to one of ordinary skill in the art, having to the teaching of Liu and Ozer before him at the time the invention was made, to modify the interface method taught by Liu to include the entering directional commands by using arrow keys taught by Ozer with the motivation being to enable the user to quickly and conveniently enter commands.

Applicant respectfully traverses such rejection of claims on the grounds that the Examiner has failed to create a *prima facie* case of obviousness. In accordance with MPEP §2143.03, to establish a *prima facie* case of obviousness 1) the prior art reference (or references when combined) must teach or suggest *all* of the claim

limitations; 2) there must be some suggestion or motivation to modify a reference or combine references; and 3) there must be a reasonable expectation of success.

The Examiner has expressly admitted that Liu does not teach a directional command identifying a relative direction of a position of the second displayed data item to a position of the first displayed data item. Even if Ozer taught the use of directional commands, as alleged by the Examiner, the Examiner has not shown where Ozer discloses "a directional command identifying a *relative direction of a position of the second displayed data item to a position of the first displayed data item*" (claim 2, lines 6-8). Claims 9 and 15 includes similar limitations. The system disclosed in the Ozer reference generally predated the use of graphic user interfaces that contain sophisticated or iconic representations of data (priority date of September 24, 1984). Accordingly, Applicants respectfully assert that the Examiner has failed to create a *prima facie* case of obviousness because the prior art reference (or references when combined) do not teach or suggest *all* of the claim limitations set forth in the claim subject matter.

As additional grounds, Applicant respectfully traverse such rejection of the claims on the grounds that the Examiner has failed to create a *prima facie* case of obviousness since the Examiner has failed to demonstrate some suggestion or motivation to modify a reference or combine references. The Examiner will note that the object of the subject invention is not too quickly and conveniently enter commands. As set forth in the specification, the subject invention solves the need for technique in which the directional controls i.e., the up arrow, down arrow, left arrow, and right arrow, on an alpha numeric keyboard can be utilized to swap the content of either adjacent or non-adjacent data types. Accordingly, Applicants respectfully assert that the Examiner has failed to create a *prima facie* case of obviousness because the Examiner has failed to show where in either reference there is a some suggestion or motivation either to modify Liu with the teachings of Ozer, or, to combine the Lui and Ozer references. The Examiner's mere statement fails to adequately suggest, teach or provide motivation for the combination of the Lui and Ozer references.

As additional grounds, Applicant respectfully traverse such rejection on the grounds that the Examiner has failed to create a *prima facie* case of obviousness since

there must be a reasonable expectation of success. As stated in the prior response, it is not clear how the teachings of Lui and Ozer would be combined as the proposed modification of Ozer, which has a primarily hardware-based selection circuitry, would change the principle of operation of the Lui reference, which has a primarily software-based graphic user face. See, for example, MPEP 2143.01. Neither reference includes a teaching suggestions are motivation as to how these disparate technologies would be combined to accomplish the subject matter as claimed. Accordingly, there can be no expectation of success in such combination. Accordingly, Applicant respectfully traverse such rejection of on the grounds that the Examiner has failed to create a *prima facie* case of obviousness since there must be a reasonable expectation of success.

In addition, claims 5-6, 11-12 and 17-18 stand rejected under 35 USC Section 103(a) as being unpatentable over Liu and United States Patent 5,767,850, Ramanathan et al., hereafter referred to as Ramanathan, both references are ready of record. In setting forth the rejections, the Examiner has also expressly admitted that Liu does not teach defining a relative position of displayed data item to an icon. Instead, the Examiner is relying on Ramanathan alleging that Ramanathan teaches a relocatable menu icon system which teaches determining relative position between a menu icon and a title bar. The Examiner further alleges that it would have been obvious to one of ordinary skill in the art, having the teaching of Lui and Ramanathan before him at the time the invention was made to modify the interface method taught by Lui to include determining relative position between a menu icon and a displayed item title bar as taught by Ramanathan with the motivation being to enable the user to quickly and conveniently locate the displayed data items.

In response, Applicant respectfully traverses such rejection of claims 5-6 and 11-12 under 35 U.S.C. §103(a) on the grounds that the Examiner has failed to create a *prima facie* case of obviousness. In accordance with MPEP §2143.03, to establish a *prima facie* case of obviousness 1) the prior art reference (or references when combined) must teach or suggest *all* of the claim limitations; 2) there must be some suggestion or motivation to modify a reference or combine references; and 3) there must be a reasonable expectation of success. In commenting on the Applicant's prior response, the Examiner has indicated that Applicant's argument that Ramanathan's

menu icon is not a selector of the data item involved in a swamp operation is an attack on the references individually. Applicants respectfully direct the Examiner's attention to the preceding requirements for a to establishing a *prima facie* case of obviousness, specifically "the prior art reference (or references when combined) must teach or suggest *all* of the claim limitations". Since the Examiner had already expressly admitted that Liu did not teach defining a relative position of displayed data item to an icon, the Applicant's arguments regarding Ramanathan establish that Ramanathan also does not disclose defining a relative position of displayed data item to an icon. As outlined in the prior response, Ramanathan discloses a system in which a menu icon is used as a *link to another application*, not as a selector of a data item(s) involved in a swamp operation. The Examiner has not shown where either Liu or Ramanathan disclose "receiving data defining a position of a selection icon relative to the first displayed data item" or "swapping the first displayed data item with the second displayed data item" (claim 5, lines 6-9). Accordingly, Applicants respectfully assert that the Examiner has failed to create a *prima facie* case of obviousness because the prior art reference (or references when combined) do not teach or suggest *all* of the claim limitations set forth in the claim subject matter.

As set forth previously, Ramanathan discloses a system in which a menu icon is used as a link to another application, not as a selector of a data item(s) involved in a swamp operation. Even if the Examiner's allegation that Ramanathan teaches a determining the relative position between a menu icon and a title bar, were true, such teaching does not make obvious, disclose or suggest the use of a selection icon position as the selector of one of two data components in a data swamp operation. The menu icon 210 of Fig. 2 of Ramanathan is not a selection icon. In fact, the menu icon 210 is movable within the title bar 222, without any change in selection of the data item (Ramanathan, column 4, lines 52-54). Conversely, in the present invention, the defined position of a selection icon relative to the first displayed item indicates that the item is a candidate for the swamp operation, as illustrated in Figures 3A-D of the subject application.

As additional grounds, Applicant respectfully traverse such rejection of claims 5-6 and 11-12 under 35 U.S.C. §103(a) on the grounds that the Examiner has failed to

create a *prima facie* case of obviousness since the Examiner has failed to demonstrate some suggestion or motivation to modify a reference or combine references. The Examiner will note that the object of the subject invention is not too quickly and conveniently locate display data items, nor to determine the relative position between the menu icon and a display of all items title bar. As set forth in the specification, the subject invention solves the need for technique in which the directional controls i.e., the up arrow, down arrow, left arrow, and right arrow, on an alpha numeric keyboard can be utilized to swap the content of either adjacent or non-adjacent data types. Accordingly, Applicants respectfully assert that the Examiner has failed to create a *prima facie* case of obviousness because the Examiner has failed to show where in either reference there is a some suggestion or motivation either to modify Liu with the teachings of Ramanathan, or, to combine the Lui and Ramanathan references. The Examiner's mere statement:

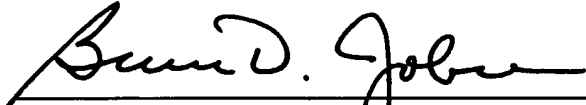
"It would have been obvious to one of ordinary skill in the arts, having the teaching of Lui and Lui and Ramanathan before him at the time the invention was made, to modify the interface method taught by Liu to include the determining relative position between a menu icon and a displayed item title bar taught by Ramanathan with the motivation being to enable the user to quickly and conveniently locate the displayed data items. "

does itself not suggest, teach or provide motivation for the combination of the Lui and Ramanathan references.

As additional grounds, Applicant respectfully traverse such rejection of claims 5-6 and 11-12 under 35 U.S.C. §103(a) on the grounds that the Examiner has failed to create a *prima facie* case of obviousness since there must be a reasonable expectation of success. As stated in the prior response, it is not clear how the teachings of Lui and Ramanathan would be combined as the proposed modification of Ramanathan would change the principle of operation of the Lui reference. See, for example, MPEP 2143.01. Accordingly, there can be no expectation of success in such combination.

Applicant believes the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he/she is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. DA-12-2158.

Respectfully submitted,



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